

TOWN OF LAMOINE SITE PLAN REVIEW ORDINANCE

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LAMOINE SITE PLAN REVIEW ORDINANCE

A. Title

This ordinance shall be known and cited as the Site Plan Review Ordinance of the town of Lamoine, Maine, and will be referred to as "this Ordinance."

B. Authority and Administration

1. This ordinance is adopted pursuant to the enabling provisions of Article VII-A the Maine Constitution and the provisions of Title 30-A, MRSA Section 3001 (Home Rule).
2. The planning board of the town of Lamoine, herein after called the Board, shall administer this ordinance.

C. Conflict with Other Ordinances

Whenever a provision of this ordinance conflicts with or is inconsistent with other provisions of this ordinance, or of any other ordinance, regulation or standard, the more restrictive provision shall apply.

D. Effective Date

The effective date of this ordinance shall be 30 days after adoption.

E. Validity and Severability

Should any section or provision of this ordinance be declared by any court to be invalid, such decision shall not invalidate any other section or provision.

F. Purpose

The purposes of site plan review are:

1. To promote and protect the health, welfare and safety of the residents of the town of Lamoine;
2. To balance the rights of landowners to use their land with the corresponding rights of abutting and neighboring landowners to live without undue disturbances from nuisances such as, but not limited to, noise, smoke, fumes, dust, odor, glare, traffic, storm water runoff or the pollution of ground or surface waters; and
3. To implement the policies contained in the Lamoine Comprehensive Plan.

G. Applicability

Site plan approval, in accordance with the provisions of this ordinance, shall be required for the following activities:

1. Proposals for new construction of non-residential buildings or structures, including accessory buildings or structures having a total floor area of more than two thousand (2,000) square feet. *All applicable standards of the Lamoine Building & Land Use Ordinance must be met as well as conditions approved by the Site Plan Review.*
2. Proposals to enlarge non-residential buildings or structures, including accessory buildings or structures by more than two thousand (2,000) square feet of ground floor area within a five (5) year period.
3. Proposals for new construction of multi-family dwellings, or for conversion of single-family or two-family dwellings to multi-family use, or for enlargement of multi-family dwellings, either by the addition of units within an existing structure or expansion of the structure to accommodate new units.
4. The conversion of an existing building in which 2,000 or more square feet of total floor area are converted from residential to nonresidential use.
5. Proposals to change from one commercial use to another commercial use.
6. Proposals to pave, strip, grade or remove earth materials from vegetated areas of more than ten thousand (10,000) square feet within a five (5) year period. However, proposals requiring a Lamoine Gravel Permit shall not be subject to the Ordinance.
7. The construction or expansion of paved areas or other impervious surfaces, including walkways, access drives, and parking lots involving an area of more than 2,000 square feet within any five (5) year period ancillary to non-residential buildings or structures.

H. Administration

1. Preapplication

Prior to submitting a formal application, the applicant or his/her representative shall submit a preapplication form provided by the Planning Board to include the following information:

See Section "I" 3, items a, b, c, d
 Section "I" 4, items a, b, c, d, and e
 Section "I" 5, items a, b, d, f, g, and h.

The applicant or his/her representative shall attend a pre-application conference with the Planning Board. The pre-application conference shall be informal and informational in nature. There shall be no fee for a preapplication review, and such review shall not cause the plan to be a pending application or proceeding under Title 1 M.R.S.A. §302.

No decision on the substance of the plan shall be made at the preapplication conference.

2. Application Procedure

- a. **Applications in Writing.** All applications for site plan review addressing all requirements in Section I shall be made in writing to the board on the forms provided for this purpose and shall be made by the owner of the property or his/her agent, as designated in writing by the owner.
- b. **Fees.** An application for any permit required by this ordinance shall be accompanied by fee(s) as established by the Lamoine Board of Selectmen. No action shall be taken on any application until the fee(s) have been received by the Town. The application fee(s) shall not be refundable. The fee(s) shall be paid to the Town of Lamoine and shall accrue to the Code Enforcement Fund to be used for the administration and enforcement of town ordinances. A Schedule of Fees is located at the Town Office.
- c. **Board Approval Required.** A development requiring review under the standards of this ordinance shall be submitted to and reviewed by the planning board, and shall be approved by the board before any building permit may be issued.
- d. **Review Procedure**
 - 1) The applicant, or a duly authorized representative, shall attend a meeting of the board to discuss the application. The board shall provide the applicant a dated receipt for the site plan review application at the board meeting when the application is first presented and heard by the board.
 - 2) Within 30 days of receipt of a site plan review application form and fee, the board shall notify the applicant in writing whether or not the application is complete, and what, if any, additional submissions are required for a complete application.
 - 3) The board shall hold a public hearing on the site plan review application within 30 days of finding the application complete. It shall publish, at the expense of the applicant, notice of the date, time, and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least 10 days prior to the hearing.
 - 4) The town shall mail by certified mail and at the expense of the applicant, a notice of the public hearing to all abutters of the proposed development at least ten (10) days prior to the hearing.
 - 5) The Planning Board may hold an on-site inspection of the site to review the existing conditions, field verify the information submitted and investigate the development proposal. The Board may schedule this visit either before or after the first meeting at which the application is considered.

- 6) Within 30 days of the public hearing, or within another time limit as may be otherwise mutually agreed to by the board and the applicant, the board shall make findings of fact on the application and approve, approve with conditions, or deny the development plan. The board shall specify, in writing, its findings of fact, conditions, or reasons for denial.
- e. **Additional Studies.** If the services of outside consulting engineers or other professionals are required by the board to assist in review of the application, or the amount or conditions of any performance guarantee that may be required, the board shall notify the applicant of the nature of services, the firm or individual selected and the estimated cost of services. The cost of such services shall be paid by the applicant and evidence of such payment furnished to the planning board before the application is deemed complete.
- f. **Guarantee, Security or Performance Bond.**
 - 1) Improvement Guarantee - The board may require the posting of an improvement guarantee in such amount and form as specified in subsection H-2- (g) as is reasonably necessary to ensure the proper installation of all off-site improvements required as conditions of approval. The nature and duration of the guarantee shall be structured to achieve this goal without adding unnecessary costs to the applicant.
 - 2) Upon substantial completion of all required improvements, the developer must notify the board of the completion or substantial completion of off-site improvements, and must send a copy of such notice to the Code Enforcement Officer. The Code Enforcement Officer shall inspect all off-site improvements and must file a report indicating approval, partial approval, or rejection of such improvements with a statement of reasons for any rejection.
 - 3) The board shall approve, partially approve, or reject the improvements on the basis of the report of the Code Enforcement Officer.
 - 4) If the improvements are approved, the guarantee shall be released. Where partial approval is granted, the developer shall be released from liability only for that portion of the improvements approved.

g. Form of Guarantee.

Performance guarantees may be provided by a variety of means including, but not limited to, the following which must be approved as to form and enforceability by the board.

- 1) Security Bond – The applicant may obtain a security bond from a surety bonding company authorized to do business in the state.

- 2) Letter of Credit – The applicant may provide an irrevocable letter of credit from a bank or other reputable lending institution.
 - 3) Escrow Account – The applicant may deposit cash, or other instruments readily convertible into cash at face value, either with the municipality, or in escrow with a bank. Any such account must require municipal officer approval for withdrawal and must stipulate the town treasurer can withdraw the money upon forty-eight (48) hour advance notice to the applicant to complete the guaranteed improvements.
- h. **Conditions.** The board may attach reasonable conditions to the site plan review approvals to ensure conformity with the standards and criteria of this ordinance. Such conditions may include off-site improvements to mitigate the impact of the proposed development.
- i. **Expiration of Approvals.** All site plan review approvals shall expire within two (2) years of the date of issuance unless work thereunder is commenced. If work is not completed within three (3) years from the date of issuance, a new application must be made.

I. Site Plan Review Application Requirements

Applications for all site plan review shall be submitted on application forms provided by the town at least ten days before the board is scheduled to review the application at a regularly scheduled meeting and mailed to the Planning Board at least 7 days prior to this meeting. The submission shall contain at least the following exhibits and information:

1. A fully executed and signed original and nine copies of the application for site plan review.
2. The site plan (drawings) shall consist of one or more reproducible, stable base transparent originals at a scale of not less than 1" = 50' to be filed at the town office. Space shall be provided on the development plan for the signatures of the board and date.
3. General Information
 - a. Name of owner of record and address and applicant's name and address, if different;
 - b. The name of the proposed development, if applicable;
 - c. Names and addresses of all owners of property within 500 feet of the property line of the site with assessor's (tax) map and lot number of those properties;
 - d. The assessor's (tax) map and lot number of the parcel or parcels

composing the site;

- e. A copy of the deed to the property, option to purchase the property or other documentation to demonstrate right, title or interest in the property on the part of the applicant and status of property tax payment.
- f. The name and registration number of the land surveyor, architect, engineer, and/or similar professional(s), if any, who prepared the plan.

4. Existing Conditions

- a. Zoning classification(s) (including shoreland) of the property and the location of zoning district boundaries if the property is located in two or more zoning districts or abuts a different district;
- b. The bearings and distances of all property lines of the property to be developed and the source of this information;
- c. Location and size of any existing sewer and water systems, culverts and drains, fire hydrants or pond, adjacent to property to be developed and of any that will serve the development from abutting roads or land;
- d. Location, names and widths of existing roads and rights-of-way within or adjacent to the proposed development;
- e. The location of open drainage courses (streams and springs), wetlands, stonewalls, graveyards, fences, stands of trees, and other important or unique natural areas and site features, including but not limited to, floodplains, deer wintering areas, significant wildlife habitats, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, sand and gravel aquifers, and historic and/or archaeological resources, together with a description of such features.
- f. The location, dimensions and ground floor elevation of all existing building on the site.
- g. Topographical contours and the direction of existing surface water drainage across the site.
- h. If any portion of the property is in the 100-year floodplain, its elevation shall be delineated on the plan or provide a FEMA floodplain map.

5. Proposed Development Activity

- a. Descriptions of all proposed uses of the development including specific uses of all structure to be built, converted or expanded.
- b. The location and dimensions of all proposed buildings and structures.
- c. The size, location, direction, and intensity of illumination of all outdoor lighting.
- d. All existing and proposed setback dimensions.
- e. Proposed landscaping and/or buffering.
- f. When subsurface sewage disposal is proposed, an on-site soils investigation report by a Maine Department of Human Services licensed site evaluator. The report shall identify the classification of soils, location of all test pits, and proposed location
- g. The type of water supply to be used.
- h. The type, size, and location of all waste disposal or incineration devices.
- i. The type, size and location of all machinery or equipment likely to generate appreciable noise at the lot lines.
- j. The amount and type of any raw, finished or waste materials to be stored outside of roofed buildings, including their physical and chemical properties, if appropriate.
- k. A schedule of construction including anticipated beginning and completion dates.
- l. A description of how special features identified in subsection 4.e. will be maintained or impacts upon them minimized.
- m. The existing and proposed method of handling storm water run-offs.

6. Additional Information. The planning board may require the developer to provide the following when it finds that the information required in Sections I.3 to I.5 is not sufficient, to determine that the standards in Section J. can be met.

- a. A high intensity soils report prepared by a soil scientist certified in the State of

Maine.

- b. A storm water management and erosion control plan showing:
 - i) The direction of flow of the run-off through the use of arrows.
 - ii) The location, elevation, and size of all catch basins, dry wells, drainage ditches, swales, retention basins, and storm sewers.
 - iii) Engineering calculations used to determine drainage requirements based upon the 25-year 24-hour storm frequency, if the project will significantly alter the existing drainage pattern due to such factors as the amount of new impervious surfaces (such as paving and building area) being proposed.
 - c. A hydrogeologic assessment prepared by a ground water hydrologist/geologist for projects involving common on-site water supply or on-site sewage disposal of 2,000 or more gallons per day.
 - d. A utility plan showing, in addition to provisions for water supply and waste water disposal, the location and nature of electrical, telephone and any other utility services to be installed on the site.
 - e. A landscaping plan.
 - f. The location, width, typical cross-section, grades and profiles of all proposed roads and sidewalks.
 - g. Cost of the proposed development and evidence of financial capacity to complete it. This evidence should be in the form of a letter from a bank or other source of financing indicating the name of the project, amount of financing proposed, and interest in financing the project.
 - h. An estimate of the traffic associated with the development per the requirements of Sections J.9 and J.10.
7. Submission Waivers. The planning board may modify or waive any of the submission requirements when it determines that because of the size of the project or circumstances of the site such requirements would not be applicable or would be an undue burden upon the applicant and that such modification or waiver would not adversely affect the abutting landowners or the general health, safety and welfare of the town or otherwise be converse to the purposes and intent of this ordinance and the comprehensive plan.

J. General Review Standards

The following criteria and standards shall be utilized by the board in reviewing applications for site plan review approval. The standards are not intended to discourage creativity, invention and innovation. The board may waive the criteria presented in this section upon a determination by the board that the criteria are not applicable to the proposed action or upon a determination by the board that the application of these criteria are not necessary to carry out the intent of this ordinance. The board shall approve the application unless the proposal does not meet the intent of one or more of the following criteria provided that the criteria were not first waived by the board.

1. Preserve and Enhance the Landscape.

The landscape shall be preserved in its natural state insofar as practicable by minimizing tree removal, disturbance of soil, and retaining existing vegetation during construction. After construction is completed, landscaping shall be designed and planted that will define, soften or screen the appearance of the development and minimize the encroachment of the proposed use on neighboring land uses.

Environmentally sensitive areas such as aquifers, significant wildlife habitat, wetlands, steep slopes, floodplains, historic buildings and sites, existing and potential archaeological sites and unique natural features will be maintained and preserved to the maximum extent.

2. Relation of Proposed Buildings to Environment.

Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity that have a visual relationship to the proposed structures, so as to have a minimally adverse affect on the environmental and aesthetic qualities of the developed and neighboring areas including historic buildings and sites.

3. Vehicular Access

The following standards apply to design and construction of vehicular access to properties. Letters of approval from the fire chief and/or the road commissioner must be provided.

- a. Each property shall be provided with vehicular access to the property by abutting private or public ways. Private right-of-ways shall be protected by permanent easements.
- b. The following criteria shall be followed for entrances and/or driveways to any use other than single and two-family dwellings:

Allowable Speed (Miles per hour)	Required Sight Distance (for primarily auto- related uses) (Feet)	Required Sight Distance (For significant commercial truck and recreational vehicle-related uses i.e., industrial parks, warehouse operations, campgrounds, etc.) (Feet)
25	250	312
35	350	437
40	400	500
45	450	562
50	500	625
55	550	687
Source: Adapted from: Access Management - Improving the Efficiency of Maine Arterials, MDOT, 1994		

- 1) Where a site has frontage on two intersecting public roads, and the speed limit is 25 mph, no driveway entrance or exit shall be located within fifty feet (50') of the point of tangency of the existing or proposed curb radius of the intersection. The required separation distance shall be increased 20 feet for each five mile per hour increase in speed limit. Access to the lot shall only be provided across the frontage and to the street where there is less potential for traffic congestion and for hazards to traffic and pedestrians.
- 2) The maximum number of driveways to a particular site with fewer than 1,500 vehicles per day shall be limited to one two-way entrance no wider than 20 feet. Higher volume uses may have two, one or two way exits/entrances no more than 24 feet in width if two way and 18 feet if one-way.
- 3) Angles. Driveways used for two-way operation shall intersect the road at an angle of or as near to ninety (90) degrees as site conditions will permit and in no case less than sixty (60) degrees.
- 4) Dimensions. The dimensions of driveways shall be designed to adequately accommodate the volume and character of vehicles anticipated to be attracted daily onto the land development for which a site plan is prepared.
- 5) Grades. Driveways grades shall not be more than three percent (3%) for the first one hundred feet (100') from the road.

- 6) Sight Triangle. A "sight triangle" shall be formed by the intersection of the side of the driveway and the street right-of-way line, extending 10 feet in length along the side of the driveway and 25 feet in length along the right of way line, with the third side connecting the other two sides. Within each sight triangle, no landscape materials, other than low growing shrubs 30" or less in height above the exit driveway elevations at maturity shall be planted.
- 7) All lots of record legally existing at the time of the adoption of this ordinance shall be allowed one (1) direct access, provided that the minimum sight distances specified in this ordinance are met to the maximum extent possible.
- 8) Access. Parking stalls shall not be directly accessible from any public way. Ingress and egress for parking areas shall be limited to driveway entrances.
- 9) Traffic Impact Study. Developers shall provide a description of the traffic movement to be generated by the development including types and peak hour and average daily vehicle trips, travel routes, and duration of traffic movement both during and following construction.
- 10) Full traffic study requirement. If the development will meet a) or b) below, the developer shall provide a full traffic impact study at his or her expense. This study will be subject to review by another consultant of the town's choosing at the applicant's expense. If a full traffic study is required under paragraph a, as determined by the planning board, the developer shall follow the procedures and requirements as detailed in 'Access Management Standards, Access Management: Improving the Efficiency of Maine Arterials, A Handbook for Local Officials, Maine Department of Transportation, 1994. Appendix A. The safety and congestion mitigation measures recommended shall be followed by the applicant.
 - a. Volume. During any one-hour period, traffic attributable to the development equals or exceeds 35 trips at the project driveway(s). A trip can be either inbound or outbound.
 - b. Safety or capacity deficiencies. The planning board, in consultation with the Maine Department of Transportation, determines that a traffic impact study must be conducted because of traffic safety or capacity deficiencies in the vicinity of the development.

- 11) Driveway Turn-Around Area. After the effective date of this ordinance, all future driveways shall be designed with sufficient vehicle turn-around area to enable a driver to exit the premises without backing onto the roadway. This requirement shall be deemed to be met by an on-site parking lot with a parking aisle, or by a service or frontage road, or by the use of an on-site driveway turn-around for a single vehicle measuring at least 8 feet wide by 15 feet long.
- 12) Access to Frontage Road/Service Road/Minor Road. Where a proposed development involves the division of a tract or parcel of land into 3 or more lots within any 5-year period, whether accomplished by sale, lease, development, buildings, or otherwise, as defined by the Subdivision Law, Title 30-A MRSA sections 4401-4407, the following provisions shall apply. Direct lot-by-lot access to the existing public road is prohibited. Direct access to any individual lot, or to a single place of business, shall be prohibited unless the planning board determines that physical conditions particular to the parcel justify the granting of a waiver from this requirement.
 - a. Waiver - A waiver may be granted only if there will be no further subdivision of the parcel and the shape or physical condition of the parcel does not permit access to a street other than the public road, nor the creation of a service/frontage road to allow that access;
 - b. Permitted Access. Access to the development shall include one of the following:
 1. A common driveway, which intersects the public road and which services the individual lots or businesses or a common parking lot adjacent to the individual lots or businesses.
 2. Minor road(s). One or more minor roads, to be constructed by the developer according to the standards of this ordinance, which shall serve the development.
 - c. Emergency Vehicle Access Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures at all times.

4. Parking Design Requirements

a. General Requirements

- 1) The proposed development layout shall provide for safe access and egress from public and private roads by providing adequate location, numbers and control of access points including sight distances, turning lanes, and traffic signalization when required by existing and projected traffic flow on the municipal road systems.
- 2) The layout and design of all means of vehicular and pedestrian circulation, including walkways, interior drives, and parking areas shall provide for safe general interior circulation, separation of pedestrian and vehicular traffic, service traffic, emergency vehicles, loading areas, and arrangement and use of parking areas.
- 3) In the design of parking areas, special attention shall be given to the separation of pedestrian and vehicular traffic and the arrangement of parking areas that are safe and convenient, and which have a minimum adverse effect on the design, appearance, and environmental and aesthetic qualities of proposed buildings and structures and neighboring properties.

The development plan shall provide for a system of pedestrian circulation within the development. This system shall connect with existing sidewalks if they exist in the vicinity of the project. The pedestrian network may be located within the street right-of-way or outside of the right-of-way in open space or recreation areas. The system shall be designed to link residential units with recreational and commercial facilities, other common facilities, school bus stops, and existing sidewalks in the neighborhood.

- 4) Non-residential projects shall provide a clear route for delivery vehicles with appropriate geometric design to allow turning and backing for all vehicles, including tractor trailers.
- 5) The layout and design of parking areas shall provide for safe and convenient circulation of vehicles and obviate their backing out onto a street.
- 6) All streets and access ways shall be designed to harmonize with the topographic and natural features of the site. The road network shall provide for vehicular and pedestrian safety, all season emergency access, snow storage, and delivery and collection services.

b. Parking Area Design Standards

- 1) Access -- There shall be adequate provisions for ingress and egress for all parking spaces. The width of access drives or driveways shall be determined as part of site plan review depending on use, topography and similar considerations.
- 2) Size of Aisles -- The width of all aisles providing direct access to individual parking stalls shall be in accordance with the requirements set forth below. Only one-way traffic shall be permitted in aisles serving single-row parking spaces placed at an angle other than ninety (90) degrees.

Parking Angle (Degrees)	Minimum Aisle Width (Feet)
0 parallel parking	12
30 degree parking	12
45 degree parking	13
60 degree parking	18
90 perpendicular parking	30

- 3) General Location -- No off-road parking or loading shall be located within the required front and side yard setbacks on public roads. Whenever possible, the majority of parking should be at the side or rear of the principal building(s).
- 4) Sidewalk and Curbing -- Sidewalks between parking areas and principal structures along aisles and driveways and wherever pedestrian traffic shall occur, shall be provided with a minimum width of four (4) feet of passable area and shall be raised six (6) inches or more above the parking area except where the sidewalks cross roads or driveways. Guardrails or wheel stops permanently anchored to the ground shall be provided in appropriate locations. Parked vehicles shall not overhang or extend over sidewalk areas unless an additional sidewalk width of two and one half (2.5) feet is provided to accommodate such overhang.
- 5) Marking and Delineation of Parking Areas -- Parking stalls, driveways and aisles shall be clearly marked and delineated. The board may require that certain areas be maintained for fire fighting or other emergency purposes, handicapped access, and such areas shall be appropriately designated.
- 6) General Circulation and Parking Design Guidelines -- The following guidelines shall apply to parking area designs:
 - a) Parking space allocations should be oriented to specific buildings.
 - b) Parking areas should be designed to focus on major walkways, which should be fenced or marked.

- c) Where pedestrians must cross service roads or access roads to reach parking areas, crosswalks should be clearly designated by pavement markings or signs and lighted.
- d) Driveways should approach from the right to permit passengers to alight or board at the sidewalk.
- e) Whenever possible, one-way traffic should be established at building entrances.
- f) Where buses are a factor, bus shelters and bus turnouts off the roadway should be provided.

5. Off-Street Parking Requirements

- a. Parking Space Shall be Provided: No structure shall be erected nor shall any of the following uses be established unless at least the minimum number of off-street parking spaces as specified below is provided. Where a fractional number of spaces would be called for, at least the next higher whole number of spaces shall be required. Each parking space shall measure at least nine feet (9') in width by eighteen feet (18') in length and shall have access for vehicles to a public street. Parking lots for more than five (5) vehicles shall be arranged *so* that vehicles can be turned around within such lots without entering the street. Private roads, separated from public right-of-ways, but not allowing for turn-around space are deemed adequate for these requirements.
 - 1) Automobile Repair and Filling Stations: one (1) space for each regular employee, plus one (1) space for each fifty (50) square feet of floor area used for service work
 - 2) Boarding and Rooming House: one (1) space for each guest room.
 - 3) Drive-in Restaurants and Dairy Stands: ten (10) spaces plus one (1) additional space for each person serving or preparing food on the largest shift employed at least once a week on a regularly scheduled basis during the peak season of operations.
 - 4) Nursing Homes: one (1) space for each five (5) beds, plus one (1) space for each staff or visiting doctor, plus one (1) space for each four (4) employees.
 - 5) Hotels: one (1) space for each guest bedroom, plus one (1) space for each four (4) employees.
 - 6) Industrial Establishments: two (2) spaces for every three (3) employees, at the maximum employment level, on the two (2) shifts of highest employment combined, plus one (1) space for each company vehicle operating from the premises.

- 7) Fraternal Organizations and Clubs: one (1) space for each five (5) members.
 - 8) Business and Professional Offices: one (1) space for each two hundred (200) square feet of working space.
 - 9) Places of Amusement or Public Assembly: one (1) space for each fifty (50) square feet of floor area devoted to patron use.
 - 10) Restaurants, Cocktail Lounges, and Bottle Clubs: one (1) space for each four (4) customer seats, plus one (1) space for each two (2) employees.
 - 11) Retail Business: four (4) spaces for each one thousand (1,000) square feet of sales area.
 - 12) Elementary Schools: two (2) spaces per classroom plus one (1) space for every four (4) seats of public assembly or ten (10) spaces for every one thousand (1,000) square feet of assembly space if no fixed seats.
 - 13) High Schools: five (5) spaces per classroom plus one (1) space for every four (4) seats of public assembly or ten (10) spaces for every one thousand (1,000) square feet of assembly space if no fixed seats.
 - 14) Banks: one (1) space per one hundred fifty (150) square feet of floor area.
 - 15) Tourist Courts and Motels: one (1) space for each accommodation.
 - 16) Wholesale Business: one (1) space for each three hundred (300) square feet of floor space.
 - 17) Churches: one (1) space for each five (5) persons seating capacity.
 - 18) For uses not specifically listed in this section, the planning board shall prescribe the number, which in no case will, be less than an adequate number to provide for employees and customers and visitors anticipated on the site.
- b. Location on Other Property: If the required automobile parking spaces cannot be provided on the same lot where the principal use is conducted, the planning board can permit that such spaces may be provided on other off-street property provided that such property lies within four hundred feet (400') of the main entrance to such principal use and is in the same district. Such automobile parking space shall be associated with the principal use and shall not thereafter be reduced or encroached upon in any manner, provided however, that it may serve different principal uses at different times of day.

- c. Shared Parking: The required parking space for any number of separate uses may be combined in one facility. Generally, the required space assigned to one use may not be assigned to another use; thus, the total available spaces should be the sum of required spaces for each of the individual uses. Shared parking facilities where available parking is below the above requirements, may be allowable when the functional nature of the uses allow for differing peak-hour or daily demands.

6. Buffering and Screening

All projects requiring site plan review under this ordinance shall provide buffer zones and/or screening in accordance with the following standards:

a. Buffer Zones

Buffer zones of the following specified widths are required for the following areas and/or purposes:

- 1) Along any property line of any lot located in the Residential Zone and Rural and Agricultural Zone which abuts the Residential Zone, such buffer zones shall be a minimum of fifty feet (50') in width.
- 2) Along any property line, where the board determines it desirable and necessary, to prevent any proposed lighting from interfering with residential properties or with safe driving. Such buffer zones shall be a minimum of fifty feet (50') in width.
- 3) Along any property line adjacent to an existing residential use where the board determines it desirable and necessary, of all exposed storage and service areas, utility buildings and structures, automobile salvage and junk yards, parking areas, garbage collection areas, and loading and unloading areas, to minimize their visual impact on adjoining traveled ways and residential properties. Such buffer zones shall be a minimum of fifty feet (50') in width.

b. Screening

Screening, within the required buffer zones in the form of natural or man-made barriers, existing vegetation or new plantings, is required as follows:

1) Retention of Natural Features in Buffer Zones Strips

Natural features in buffer zones shall be maintained where possible. When natural features such as topography, gullies, stands of trees, shrubbery, rock outcrops do not exist or are insufficient to provide the required screening, other kinds of screening shall be considered.

2) Provision of Screens

Unless otherwise specifically indicated by the planning board, all screening and buffering material approved by the Planning Board shall be a type and species appropriate for the soil types, site conditions, and climatic conditions of the town.

3) Maintenance of Buffers and Screening

Buffers and screening shall be located and maintained as follows:

- a) Fencing and screening shall be so located within the property line to allow access for maintenance activities on both sides without intruding upon abutting properties.
- b) Fencing and screening shall be durable and properly maintained at all times by the owner.
- c) The finished side of a fence shall face abutting properties.
- d) Natural appearing materials (such as wood and stone) shall be used whenever possible. Bright colors on fences shall be avoided.
- e) All buffer zones shall be maintained in a neat and sanitary condition by the owner.

7. Exterior Lighting.

All exterior lighting shall be designed to encourage energy efficiency, to ensure safe movement of people and vehicles, and to minimize adverse impact on neighboring properties and public ways. Adverse impact is to be judged in terms of hazards to people and vehicle traffic and potential damage to the value of adjacent properties. Lighting shall be arranged to minimize glare and reflection on adjacent properties and the traveling public.

8. Municipal Services

The proposed development shall not have an unreasonable adverse impact on the municipal services including municipal road and other transportation systems, fire department, solid waste program, schools, recreational programs and facilities, and other municipal services and facilities. The town may require a development be constructed in phases if the financial impact is such that necessary municipal infrastructure improvements are beyond the town's fiscal capacity.

The planning board in its determination of unreasonable adverse impact shall require the developer to provide:

- a. A list of construction items, with cost estimates, that will be completed by the developer prior to the sale of lots or structures, and evidence that the developer has financial commitments or resources to cover these costs.
- b. A list of construction and maintenance items, with both capital and annual operating cost estimates, that must be financed by the municipality, or quasi-municipal districts. These lists shall include, but not be limited to:
 - schools, including busing
 - street maintenance and snow removal
 - police and fire protection
 - solid waste management
 - recreation facilities
 - storm water drainage

The developer shall provide an estimate of the net increase in taxable assessed valuation at the completion of the construction of the development.

9. Surface Water

The proposed activity will not result in surface water pollution. In making this determination, the board shall at least consider the elevation of land above sea level and its relation to the floodplains, the nature of soils and subsoils and, if necessary, their ability to adequately support waste disposal and/or any other approved licensed discharge; the slope of the land and its effect on effluents.

10. Groundwater Protection

The proposed site development and use shall not adversely impact the quality or quantity of groundwater in the aquifers or any water supply systems. Projects involving common on-site water supply or sewage disposal systems with a capacity of two thousand (2,000) gallons per day or greater shall be required to demonstrate that the groundwater at the nearest down hydro-geologic gradient property line shall comply, following development, with the standards for safe drinking water as established by the State of Maine. The board may place conditions upon an application to minimize potential impacts to the town's groundwater resources.

11. Air Pollution

The proposed development shall not create an emission of dust, dirt, fly ash, fumes, vapors or gases that could damage human health, animals, vegetation or property, or that could soil or stain persons or property, at any point beyond the lot line of the commercial or industrial establishment creating that emission. All such activities shall also comply with applicable federal and state regulations.

12. Odor

The proposed development shall not produce offensive or harmful odors perceptible beyond their lot lines, either at ground or habitable elevation.

13. Noise

- a. Excessive noise at unreasonable hours shall be required to be muffled so as not to be objectionable due to intermittence, beat frequency, shrillness, or volume (please refer to table below). The maximum permissible sound pressure level of any continuous, regular or frequent source of sound produced by any activity regulated by this ordinance shall be established by the time period and type of land use listed below. Sound pressure levels shall be measured on a sound level meter at all major lot lines of the proposed site, at a height of four (4) feet above the ground surface.

	Sound Pressure Level Limit (500 to 10,000 Hz range)	
	7 a.m. - 8 p.m.	8 p.m. - 7 a.m.
Non-Industrial Establishments	<u>65dB</u>	<u>55dB</u>
Industrial Establishments	<u>70dB</u>	<u>65dB</u>

On a site abutting any residential use, construction activities occurring between 8:00 p.m. and 7:00 a.m. shall be subject to the maximum permissible sound level specified for industrial establishments.

Such maximum sound levels will also apply to noises created by all agricultural, excavation, construction, and maintenance activities between 7:00 a.m. and 8:00 p.m.;

- b. Temporary construction and external maintenance activities shall be limited to the hours of 6:00 am to 6:00 pm, with the exception of ice and snow removal.

14. Sewage Disposal.

The development shall provide for a suitable sewage disposal. All individual on-site systems will be designed by a licensed soil evaluator in full compliance with the Maine Subsurface Wastewater Disposal Rules. Upon the recommendation of the local plumbing inspector, the board may require the location on the individual lots of reserved areas for replacement systems.

15. Utilities/Waste Disposal/Water Supply

a. Utilities

1. Any aboveground utility installations shall be located so as to minimize visual impact. Screening may be used to minimize impact upon neighboring properties.
2. When underground utilities are to be installed within a roadway, they should be installed prior to the installation of the final gravel base of the road.

b. Waste Disposal

All generated waste, including special or hazardous wastes shall be disposed of at a licensed disposal facility and evidence of a contractual arrangement with the receiving facility shall be submitted. All waste disposal shall be at the owner's expense.

c. Water Supply

The development shall be provided with a system of water supply that provides each use with an adequate supply of water meeting the standards of the State of Maine for drinking water. The supply must also be adequate for fire fighting purposes.

16. Comprehensive Plan.

The development shall be in conformance with the comprehensive plan.

17. Stormwater Drainage.

The development shall not impose an unreasonable burden on the storm drainage system, water supplies for the property or on adjacent properties or other utilities. In determining an unreasonable burden, the development shall not cause capacities of existing ditches, culverts, and other components of the storm drainage system to be exceeded; the development shall not cause banks to be overflowed or increase flows such that erosion of or other drainage to the existing system occurs. Neither the quality nor quantity of existing water supplies shall be affected. Neither shall the development decrease the quantity of water available below the current and foreseeable future needs of the development or existing and potential development in the area.

18. Conservation, Erosion and Sediment Control.

Erosion of soil and sedimentation of watercourses and water bodies shall be minimized.

19. Advertising Features.

Signs and billboards relating to commercial or industrial use of the premises shall not exceed 16 square feet in area, 8 feet in height from grade, and two signs per premise. Signs and billboards related to commercial or industrial uses not on the premises shall be prohibited except as permitted under state law.

20. Financial and Technical Capacity.

The applicant shall demonstrate adequate financial and technical capacity to meet these standards.

K. Special Review Standards

The following standards apply to specific types of projects. These standards, at the planning board's discretion, may be applied to uses similar to those identified in this section.

1. Multi-Family Conversions

Conversion of existing structures into multi-family dwelling units, in districts permitting multi-family dwellings, may be permitted provided that:

- a. Off-street parking for two (2) vehicles per dwelling unit plus maneuvering spaces will be provided;
- b. Each dwelling unit shall be at least four hundred (400) square feet in area for one (1) bedroom unit plus one hundred twenty (120) square feet for each additional bedroom;
- c. Each dwelling unit shall have its own toilet and kitchen facilities and no dwelling unit will share these facilities with any other dwelling unit; and
- d. The conversion is approved in conformance with the Subdivision Ordinance and Building and Land Use Code.

2. Campgrounds

All applicable standards of the *Travel Trailer, Motorized Home Park and Campground Ordinance* must be met. Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the following:

- a. Each tent or shelter site shall contain a minimum of five thousand (5,000) square feet of suitable land in shoreland areas (i.e., within two hundred fifty feet (250'), horizontal distance, of the normal high water mark of any river, lake, pond, upland edge of a wetland, or salt water body, and seventy-five feet (75') of a stream, and twenty-five hundred (2,500) square feet of suitable land in inland areas, not including driveways and roads, for each site;
 - b. A minimum of two hundred (200) square feet of off-street parking plus maneuvering space shall be provided for each tent or shelter site;
 - c. The area intended for placement of the tent or shelter site, and utility and service buildings shall be set back a minimum of fifty feet (50') from the exterior lot lines of the camping area, and one hundred feet (100') from the normal high water elevation of any river, lake, pond, stream, salt water body, and upland edge of a wetland; and
 - d. A buffer zone, and screening per the requirements of this ordinance, shall be required to shield the campground from abutting areas.
3. Mineral Exploration and Extraction

All applicable standards of the *Lamoine Gravel Ordinance*, as amended, shall also be met.

The following requirements for mineral exploration and extraction activities shall apply in all districts when permitted except as otherwise hereinafter provided:

- a. The following requirements shall apply to mineral exploration and extraction activities:
 - 1) All excavations, including test pits and holes, shall be promptly capped, refilled, or secured by other equally effective measures so as to reasonably restore disturbed areas and to protect the public health and safety;
 - 2) No portion of any ground area disturbed by the extraction activity shall be closer than fifty feet (50') from any public roadway or fifty feet (50') from any property line in the absence of the prior written agreement of the owner of such adjoining property. For areas subject to shoreland zoning, the standards of that ordinance shall also apply;
 - 3) A natural vegetative screen of not less than fifty feet (50') in width shall be retained between any facility intended primarily for public use, excluding privately owned roads and the mineral exploration or extraction activity; and

- 4) Within twelve (12) months following the completion of extraction operations at any extraction site, or when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:
 - a) All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials originating on-site may be buried or covered on-site.
 - b) The final graded slopes shall be two and a half to one (2.5:1) slope or flatter.
 - c) Topsoil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the areas. Additional topsoil or loam shall be obtained from off-site sources, if necessary, to complete the stabilization project.
- 5) In keeping with the purposes of this ordinance, the planning board shall impose such conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources, including but not limited to any reasonable form of performance guarantee such as a performance bond.

4. Animal Husbandry

When permitted by site plan review, animal husbandry shall meet the following standards:

- a. All pasture, barns, barnyards, and other areas where the livestock, animals, or fowl are kept, housed, fed, or cared for shall be a minimum of one hundred (100) feet from the nearest dwelling other than the applicant's and screened by a 50' buffer zone.
- b. Manure piles shall be kept 150 feet from the nearest dwelling other than the applicant's and 300 feet from any body of water, streams or wells.
- c. All feed and grain shall be stored in rodent proof containers.
- d. All paddocks, pastures, barnyards or other enclosures must be adequately fenced to contain livestock, animals or fowl.
- e. The planning board shall limit the number and species of animals permitted. The board shall consider the size and layout of the lot, the size of adjacent lots, the presence of vegetative screening and buffer zones, and the potential for noise, odor, and vermin problems.
- f. The Planning Board may require the applicant to provide a nutrient

management plan.

5. Junkyards and automobile graveyards are subject to all applicable state laws and local ordinance.
6. Kennels and Veterinary Hospitals
 - a. Structures or pens for housing or containing the animals shall be located not less than one hundred fifty (150) feet including a 50' buffer zone from the nearest residence other than the owner's existing at the time of permit.
 - b. All pens, runs, or kennels, and other facilities shall be designed, constructed, and located on the site in a manner that will minimize the adverse effects upon the surrounding properties. Among the factors that shall be considered is the relationship of the use to the topography, natural and planted horticultural screening, the direction and intensity of the prevailing winds, the relationship and location of residences and public facilities on nearby properties, and other similar factors.
 - c. The owner or operator of a kennel shall maintain the premises in a clean, orderly, and sanitary condition at all times. No garbage, offal, feces, or other waste material shall be allowed to accumulate on the premises. The premises shall be maintained in a manner that they will not provide a breeding place for insects, vermin or rodents.
 - d. Temporary storage containers for any kennel or veterinary wastes containing or including animal excrement shall be kept tightly covered at all times, and emptied no less frequently than once every four days. Such containers shall be made of steel or plastic to facilitate cleaning, and shall be located in accordance with the setbacks required for outdoor runs.
 - e. If outdoor dog "runs" are created, they shall be completely fenced in, and shall be paved with cement, asphalt or a similar material to provide for cleanliness and ease of maintenance.
 - f. Any incineration device for burning excrement-soaked waste papers and/or animal organs or remains shall be located a minimum distance of 400 feet from nearest residence other than the applicants, and shall have a chimney vent not less than 35 feet above the average ground elevation. The applicant shall also provide evidence that he has obtained approval from the Maine Department of Environmental Protection for the proposed incinerator, and that it meets state standards for particulate emissions, flue gas temperature, and duration of required flue temperatures.

L. Waivers

Where the board makes written findings of fact that the applicant will suffer an undue

economic or other hardship if the requirements of the site plan review are strictly applied, it may waive the necessity for strict compliance with those requirements of the site plan review found to be causing the hardship in question and to permit a more practical and economical development provided, however, that the public health, safety and welfare will not be compromised and further provided that the waivers in question will not have the effect of nullifying the effect of site plan review.

M. Appeals

1. If the board disapproves an application or grants approval with conditions that are objectionable to the applicant or to any abutting landowner or any aggrieved party, who can demonstrate a direct negative impact, or when it is claimed that the provisions of this section do not apply, or that the true intent and meaning of the ordinance has been misconstrued or wrongfully interpreted, the applicant, an abutting landowner, or aggrieved party that has standing may appeal the decision of the board, as follows:
 - a. A written appeal must be filed within 30 days of the time the applicant receives a written notice of the board's decision.
 - b. Appeals involving administrative procedures or interpretation of this ordinance may be heard and decided by the board of appeals as detailed below.
 - c. When errors of administrative procedure are found by the appeals board, the case shall be referred back to the board for rectification.
 - d. When errors of interpretation are found, the board of appeals may modify the interpretation or reverse the order of the board but may not alter the conditions attached by the board. All changes in conditions, other than changes made by the granting of a variance, shall be made by the board in accordance with the board of appeals' interpretation.
 - e. Appeals involving conditions imposed by the board, or a decision to deny or approve, shall be made to the Superior Court, when such appeals do not involve administrative procedures and interpretation which shall first be heard and decided by the board of appeals, as detailed above.

N. Amendments

This ordinance may be amended by majority vote at town meeting.

O. Enforcement

1. Enforcement Procedures

- a. It shall be the duty of the code enforcement officer to enforce the provisions of this ordinance. If the code enforcement officer shall find that any provision is being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it,

including discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the selectmen and be maintained as a permanent record.

- b. The code enforcement officer shall conduct on-site inspections to ensure compliance with all applicable laws and conditions attached to permit approvals. The code enforcement officer shall also investigate all complaints of alleged violations of this ordinance.

2. Legal Actions.

When the above action does not result in the correction or abatement of the violation or nuisance condition, the selectmen, upon notice from the code enforcement officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this ordinance in the name of the municipality. The selectmen, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this ordinance and recovering fines without court action.

3. Fines.

Any person including, but not limited to, a landowner, a landowner's agent or a contractor, who orders or conducts any activity in violation of this ordinance shall be penalized in accordance with MRSA Title 30-A, Section 4452.

P. Construction of Language

In the interpretation and enforcement of this code, all words other than those specifically defined in the various ordinances shall have the meaning implied by their context in the ordinance or their ordinarily accepted meaning. In the case of any difference of meaning or implication between the text of this ordinance and any map, illustration or table, the text shall control.

The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual or any other legal entity.

The present tense includes the future tense, the singular number includes the plural, and the plural numbers include the singular.

The word "shall" and "will" are mandatory, the word "may" is permissive.

The word "lot" includes the words "plot" and "parcel."

The word "structure" includes the word "building."

The word "used" or "occupied," as applied to any land or building, shall be construed to

include the words "intended, arranged, or designed to be used or occupied."

Abutter: The owner of any property with one or more common boundaries, or across the street or stream from, the property involved in an application or appeal.

Acceleration Lane: A speed-change lane for the purpose of enabling a vehicle entering a roadway to increase its speed to a rate at which it can safely merge through traffic.

Access: The ability to enter or leave a public street or highway from an adjacent driveway or another public street.

Accessory Structure or use: a use or structure which is incidental and subordinate to the principal use or structure on the same lot. Accessory uses, when aggregated shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.

Administer: to execute the review and approval process stipulated by an ordinance and serve as consultant in any action by the Selectmen and/or Code Enforcement Officer necessary to ensure compliance with its provisions.

Aggrieved party: shall include the following: a person whose land is directly or indirectly affected by the grant or denial of a permit or variance under an ordinance, a person whose land abuts land for which a permit or variance has been granted, or a group of 5 or more citizens of the Town who represent an interest adverse to the grant or denial of such permit or variance.

Agriculture: The commercial cultivation of soil, producing or raising crops or livestock. The term shall also include greenhouses, nurseries and versions thereof, but these two terms, when used alone, shall refer specifically to a place where flowers, plants, shrubs, and/or trees are grown for sale.

Alteration: Any change or modification in construction, or change in the structural members of a building or structure such as walls, columns, beams or girders, or in the use of a building. The term shall also include change, modification, expansion, or addition of a deck, dormer, staircase, or roof of the building.

Amusement Facility: Any privately, commercially/owned premises which are maintained or operated primarily for the amusement, patronage, or recreation of the public, containing four (4) or more table sports, pinball machines, video games, or similar mechanical or electronic games, whether activated by coins, tokens, or discs, or whether activated through remote control by the management.

Animal Breeding or Care Facility: The keeping or raising of six or more animals, including domestic animals, birds, and pets, for any commercial use. This definition also includes kennels.

Antique Shop: A retail business establishment specializing in the sale of goods which have a higher retail value due to the item's age.

Applicant: The person applying for a permit under this ordinance who demonstrates legal standing or interest to apply by means of ownership, authorized agent, or option or purchase and sale agreement or the like.

Aquifer: Geologic unit composed of rock or sand and gravel, which unit contains sufficient saturated permeable materials to conduct groundwater and to also yield economically significant quantities of groundwater to wells and springs.

Aquifer Recharge: The process of infiltration and migration by which groundwater is replenished.

Area of Special Flood Hazard: The land in the floodplain having a one percent or greater chance of flooding in any given year.

Authorized Agent: A person having written authorization to act on behalf of a property owner. The authorization shall be signed by the property owner(s).

Automobile Recycling Business: The business premises of a person who purchases or acquires salvage vehicles for the purpose of reselling the vehicles or component parts of the vehicles or rebuilding or repairing salvage vehicles for the purpose of resale or for selling the basic materials in the salvage vehicles.

Automobile Repair Shop: A business establishment engaged in general repair, engine rebuilding, or parts replacement. Automobile repair shall not mean body, frame, or fender straightening and repair or painting and undercoating, nor the sale of gasoline, other motor fuels or motor oil.

Automobile Graveyard, Junkyard: A yard, field, or other area used to store three or more unserviceable, discarded, worn-out, or junked motor vehicles as defined in M.R.S.A. Title 29A, §101(42), or parts of such vehicles; includes an area for dismantling of motor vehicles for the purpose of reselling the component parts of the vehicles, for rebuilding or repairing salvage vehicles for the purpose of resale, or for selling the basic materials in salvage vehicles. Auto graveyard does not include any area used for temporary storage by an establishment or place of business which is primarily engaged in doing auto body repair work to make repairs to render a motor vehicle serviceable.

Average Daily Traffic (ADT): The average number of vehicles per day that enter and exit the premises or travel over a specific section of road.

Bank: A business which receives and safeguards money and other valuables, lends money, executes bills of exchange, or provides other related financial lending and exchange services.

Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year, commonly called the 100-year flood.

Basement: Any area of the building having its floor subgrade (below ground level) on all sides.

Bed and Breakfast: Any dwelling in which transient lodging or boarding and lodging are provided and offered to the public by the owner for compensation for less than 30 days. This dwelling shall also be the full-time, permanent residence of its owner; otherwise, it shall be classified as a

hotel/motel. There shall be no provisions for cooking in any individual guest room.

Boarding/Lodging Facility: Any residential structure where lodging and/or meals are provided for compensation for a period of at least one week, and where a family residing in the building acts as proprietor or owner. When the criteria for a family residing in the building cannot be met, the building shall be classified as a hotel/motel. There shall be no provisions for cooking in any individual guest room.

Boat Repair, Sales, Rental, or Storage Business: A facility for storing, selling, and servicing boats. Such a facility may or may not be affiliated with a marina.

Body of Water: Shall include the following:

1. Pond or Lake - any inland impoundment, natural or manmade, which collects and stores surface water.
2. Stream or River - a free flowing drainage outlet, with a defined channel and flowing water.

Buffer zone: trees, hedges, fencing, or other vegetative barrier in keeping with the character of the natural surroundings which provides a visual and auditory screen between a structure or lot and another structure, lot, or street.

Building: Any 3 dimensional structure or enclosure by any building materials or any space for any use or occupancy, temporary or permanent, including but not limited to swimming pools, foundations or pilings in the ground and all parts of any kind of structure above ground including decks, railings, dormers, and stairs, and excluding sidewalks, fences, driveways, electrical transmission and distribution lines, and field or garden walls or embankment retaining walls.

Building Height: The vertical distance between the highest point of the structure and the average grade of the original ground adjoining the building, whichever distance is greater.

Business and Professional Offices: The place of business of doctors, lawyers, accountants, financial advisors, architects, surveyors, real estate and insurance businesses, psychiatrists, counselors, and the like or in which a business conducts its administrative, financial or clerical operations including banks and other financial services, but not retail sales nor activities utilizing trucks on site as part of the business operation.

Campground: Land upon which one or more tents are erected or trailers or other shelter are parked for temporary use for a fee or two or more sites on the same property arranged specifically for that purpose.

Cemetery: Property used for the interring of the dead.

Channel: A natural or artificial watercourse to confine and conduct continuously or periodically flowing water. Channel flow is water flowing within the limits of the defined channel.

Church, Synagogue and Mosque: A building or structure, or group of buildings or structures,

designed, primarily intended and used for the conduct of religious services.

Club: Any voluntary association of persons organized for social, religious, benevolent, literary, scientific, or political purposes, whose facilities, especially a clubhouse, are open to members and guests only and not the general public; and not engaged in activities customarily carried on by a business or for pecuniary gain. Such term shall include fraternities, sororities, and social clubs generally.

Cluster Development: A development consisting of residential dwelling units, or commercial businesses, or mixed residential and commercial uses planned, developed as a whole or in a programmed series of developments, and controlled by one developer on a tract of 10 or more lots, or one tract with 10 or more principal uses or dwelling units, which contemplates an innovative, more compact grouping of uses. Cluster developments treat the developed area as an entirety to promote flexibility in design, architectural diversity, the efficient use of land, a reduction in the size of road and utility systems, the creation of permanent, common open space, and the permanent retention of the natural characteristics of the land.

Coastal Wetlands: See wetland.

Code Enforcement Officer: A person appointed by the municipal officers to administer and enforce the ordinances of Lamoine.

Commercial: Connected with the buying or selling of goods or services or the provision of facilities for a fee.

Commercial use: The use of lands, buildings, or structures, other than a "home occupation" defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units.

Common Open Space: Land within or related to a subdivision and/or cluster development, not individually owned, which is designed and intended for the common use or enjoyment of the residents of the development or the general public. It may include complementary structures and improvements, typically used for maintenance and operation of the open space, such as for outdoor recreation, forestry or agricultural activities.

Complete Application: An application shall be considered complete upon submission of the required fee and all information required by this ordinance or by the Planning Board.

Condominium: As defined in the "Maine Condominium Act of 1983," the term means real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions under a declaration, duly recorded pursuant to this Act. A condominium is a legal form of ownership, not a land development type. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

Condominium Conversion: A building that at any time before creation of the condominium was occupied wholly or partially by one or more persons other than purchasers and persons who occupy with the consent of purchasers.

Conforming: A building, structure, use of land, or portion thereof, which complies with the provisions of this Ordinance.

Congregate Housing: Residential housing consisting of private apartments and central dining facilities and within which a congregate housing supportive services program serves functionally impaired elderly or disabled occupants; the individuals are unable to live independently yet do not require the constant supervision or intensive health care available at intermediate care or skilled nursing facilities. Congregate housing shall include only those facilities which have been certified by the State of Maine as meeting all certification standards and guidelines for congregate housing facilities as promulgated by the Department of Human Services pursuant to the provisions of Maine State Statutes.

Conservation Easement: A nonpossessory interest in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic or open space values of real property; assuring its availability for agricultural, forest, recreational or open space use; protecting natural resources; or maintaining air or water quality.

Constructed: Built, erected, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction. Excavation, fill, drainage, and the like, shall be considered a part of construction.

Conversion to a different use: any change of dominant purpose to which a structure is put (e.g., from residential to commercial or from retail to industrial).

Corner Clearance: The minimum dimension, measured parallel to a highway, between the curb, pavement or shoulder lines of an intersecting highway and the nearest edge of a driveway.

Corner Lot: A single lot with frontage on a road and an intersecting road.

Cul-de-sac: A local street, one end of which is closed and consists of a circular turn-around.

Curb Cut: The opening along the curb line at which point vehicles may enter or leave the roadway.

Day Care An establishment, other than a home occupation, where 3 or more children under the age of six (6) are cared for in return for compensation.

Day Care Centers: A building in which day care is provided for three or more children under the age of 16, a nursery school, or an adult day care program registered by the Maine Department of Human Services in accordance with M.R.S.A. Title 22, §7701 et. seq. as amended.

Deceleration Lane: A speed-change lane for the purpose of enabling a vehicle to leave the through traffic lane at a speed equal to or slightly less than the speed of traffic in the through lane and to decelerate to a stop or make a slow speed turn.

Density: The number of dwelling units per area of land.

Design Hourly Volume: The hourly traffic volume used to evaluate or design a highway or driveway.

Developed Area: Any area on which a site improvement or change is made, including buildings, landscaping, parking areas, and roads or driveways.

Development: Any man-made changes to improved or unimproved real estate, including but not limited to buildings, or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations.

Dimensional Requirements: Numerical standards relating to spatial relationships including but not limited to setback, lot area, shore or road frontage and height.

Direct Watershed of a Great Pond: That portion of the watershed which drains directly to the great pond without first passing through an upstream great pond. For the purposes of these regulations, the watershed boundaries shall be as delineated in the comprehensive plan. Due to the scale of the map in the comprehensive plan there may be small inaccuracies in the delineation of the watershed boundary. Where there is a dispute as to exact location of a watershed boundary, the Board or its designee and the applicant shall conduct an on-site investigation to determine where the drainage divide lies. If the Board and the applicants can not agree on the location of the drainage divide based on the on-site investigation, the burden of proof shall lie with the applicant to provide the Board with information from a registered land surveyor showing where the drainage divide lies.

Direct Watershed of a Lake or Pond: Any land area which contributes storm water runoff by either surface or subsurface flow to a great pond without such runoff traveling to or through another great pond. For the purposes of this ordinance, the lake watershed boundaries shall be delineated on a watershed map on file at the town offices. Due to the scale of the map, there may be small inaccuracies in the delineation of the watershed boundary. Where there is some dispute as to where the watershed boundary lies on a particular property, the planning board or its designee and the landowner shall conduct an on-site investigation to determine where the drainage divide lies. If the planning board and the landowner cannot agree on the location of the drainage divide based on the on-site investigation, the burden of proof shall lie with the landowner to provide the planning board with information from a registered land surveyor showing where the drainage divide lies.

District: A specified portion of Lamoine, delineated on the official land use map.

Diversion Ditch: A ditch to intercept and divert surface water runoff away from a disposal area.

Drainage Ditch: A constructed ditch receiving and diverting surface water runoff.

Driveway: a vehicular access-way less than five hundred (500) feet in length serving two lots or less.

Driveway Width: The narrowest width of the driveway, measured parallel to the highway or right-of-way.

Dwelling: Any building or structure or portion thereof designed or used for residential purposes.

1. Dwelling Unit - A room or group of rooms used by a family as a habitation which is separate from other such rooms or suites of rooms, containing independent living,

cooking, sleeping, bathing and sanitary facilities.

2. Single-Family Dwelling - Any structure containing only one (1) dwelling unit for occupation by not more than one (1) family.
3. Two-Family Dwelling - A building containing only two (2) dwelling units, for occupation by not more than two (2) families.
4. Multi-Family Dwelling - A building containing three (3) or more dwelling units, such buildings being designed exclusively for residential use and occupancy by three (3) or more families living independently of one another, with the number of families not exceeding the number of dwelling units.
5. Accessory Dwelling Unit - A dwelling unit within and incidental to an existing single-family dwelling, occupied by one or two immediate family members. An accessory dwelling unit is not to be used to generate income.

Emergency Operations: Operations conducted for the public health, safety or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings, property and livestock from the threat of destruction or injury.

Engineered Subsurface Waste Water Disposal System: A subsurface wastewater disposal system designed, installed, and operated as a single unit to treat 2000 gallons per day or more; or any system designed to treat wastewater with characteristics significantly different from domestic wastewater.

Erosion: The detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

Essential Services: Facilities for the transmission or distribution of water, gas, electricity or essential communications or for the collection, treatment or disposal of wastes, including without limitation, towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories, but not buildings.

Expansion of a Structure: An increase in the floor area or volume of a structure, including all extensions such as, but not limited to, attached decks, garages, porches and greenhouses.

Extractive Industries: The excavation, processing or storage of soil, topsoil, peat, loam, sand, gravel, rock or other mineral deposits, not including:

1. The excavation of material incidental to and at the site of approved construction of buildings, driveways or parking areas;
2. The excavation of material incidental to and at the site of construction or repair of streets; and
3. The excavation, processing or storage of less than ten (10) cubic yards of material on a lot within a one-year period.

Family: two (2) or more persons related by blood, marriage, adoption or guardianship, or not more

than five (5) persons not so related, occupying a dwelling unit and living as a single housekeeping unit; such a group to be distinguished from a group occupying a boarding house, lodging house, club, fraternity or hotel.

Farm Stand: The display and sale of fruit or vegetable produce which exceeds 500 square feet of ground area of outdoor or enclosed goods offered for sale.

Filling: Depositing or dumping any matter on or into the ground or water.

Filling Station: (see Service Station)

Final Plan: The final drawings on which the applicant's plan of development is presented to the Planning Board for approval and which, if approved, must be recorded at the Registry of Deeds.

Flea Market: Periodic or seasonal sales activity held within a building or open area where groups of individual sellers offer goods, new and used for sale to the public, not to include private yard sales.

Floodplain Management: The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

Floodplain Management Regulations: Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodplains: Those areas with a 1% or more chance of being flooded each year as shown on the Flood Insurance Rate Maps drafted by the Federal Emergency Management Agency

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floor Area: The sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls, plus the horizontal area of any unenclosed portions of a structure such as porches and decks.

Forest Management Activities: Includes timber cruising and other forest resource evaluation activities, pesticide application, timber stand improvement, pruning, timber harvesting and other forest harvesting, regeneration of forest stands, and other similar associated activities, but not the construction, creation or maintenance of land management roads.

Forestry: The operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or the performance of forest services.

Foundations: The supporting substructure of a building or other structure including but not limited to basements, slabs, sills, posts or frostwalls.

Freshwater Wetland: See 'Wetland'

Frontage, Road: The distance between the intersections of the side lot lines with the road right-of-way or the existing tarred or gravel road.

Functionally Water-Dependent Uses: Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal and inland waters and which cannot be located away from these waters. The uses include, but are not limited to commercial and recreational fishing and boating facilities, finfish and shellfish processing, fish storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aides, basins and channels, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water and which cannot reasonably be located or operated at an inland site, and uses which primarily provide general public access to marine or tidal waters.

Gasoline Service Station: Any place of business at which gasoline, other motor fuels or motor oil are sold, and put into a motor vehicle on the premises, regardless of any other business on the premises.

Greenhouse: A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment.

Groundwater: All water found beneath the surface of the ground. For purposes of aquifer protection, this term refers to the slowly moving subsurface water present in the aquifers and recharge areas.

Hazardous Material: Any gaseous, liquid or solid materials, either in pure form or incorporated into other materials, designated as hazardous by the Maine Department of Environmental Protection.

Hazardous, Special, or Agricultural Waste: Any gaseous, liquid or solid materials, either in pure form or incorporated into other materials, designated as hazardous by the Maine Department of Environmental Protection.

High Intensity Soil Survey: A map prepared by a Certified Soil Scientist, identifying the soil types down to 1/8 acre or less at a scale equivalent to the subdivision plan submitted. The soils shall be identified in accordance with the National Cooperative Soil Survey. The map shall show the location of all test pits used to identify the soils, and shall be accompanied by a log of each sample point identifying the textural classification and the depth to seasonal high water table or bedrock at that point. Single soil test pits and their evaluation for suitability for subsurface waste water disposal systems shall not be considered to constitute high intensity soil surveys.

Historic Building: Means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements of individual listing on the National Register.

2. Certified or preliminary determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either a) by an approved state program as determined by the Secretary of the Interior; or b) directly by the Secretary of the Interior in states without approved programs.
5. Identified in the Lamoine Comprehensive Plan.

Home occupation: an occupation or profession which is customarily conducted on or in a residential structure or property and which 1) is clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and 2) which employs no more than two (2) persons other than family members residing in the home.

Hospital: A facility providing health services primarily for in-patient medical and surgical cases, including related facilities such as laboratories, outpatient departments, and staff offices.

Hotel/Motel: A commercial building or group of buildings built to accommodate for a fee travelers and other transient guests who are staying for a limited duration with sleeping rooms, each rental unit having its own private bathroom and its own separate entrance leading either to the outdoors or to a common corridor or hallway. A hotel may include restaurant facilities where food is prepared and meals served to its guests and other customers.

Hydric Soils: Those soils characterized by the presence of wetland vegetation, hydrology, and to wet soils as defined within the current effective edition of the Federal Manual for identifying and delineating jurisdictional wetlands and as shown as being part of or adjacent to the hydric soils delineated within the Soil Conservation Services Medium Intensity Soil Survey.

Impervious Surface: Any material that substantially reduces or prevents the infiltration of stormwater into previously undeveloped land. Impervious surface shall include graveled driveways and parking areas as well as compacted sand and most conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar structures.

Increase in Intensity: Any modification in use which results in increased traffic flow, increased noise levels or increase in wastes generated.

Industrial: The assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals except when conducted as part of a home occupation or conducted wholly within an existing structure where no utility modifications are required, the operation has no more than three employees, and no more than 2000 square feet. Proposed uses beneath the above thresholds may be reviewed as commercial uses.

Industrial Park: An area of land developed exclusively to industrial and associated uses.

Infrastructure: The basic facilities and utilities needed for the functioning of a community (in this ordinance, a subdivision) such as roads, common use sewage systems, common usage water supplies & lines, fire protection systems, communication and power lines and poles, street lighting, and other services and facilities used in common.

Institutional structure: a structure devoted to public, governmental, educational, charitable, medical, or similar purpose.

Intermittent Drainage Way: Any drainage way which exhibits channelized flowing water, resulting from surface runoff or the position of the ground water table, which occurs for a period of not more than six (6) consecutive months during the year.

Junkyard/Automobile Graveyard:

1. Automobile Graveyard: A yard, field or other area used as a place of storage for three (3) or more unregistered, unserviceable, discarded, worn-out or junked automobiles. This provision does not apply to serviceable, but unregistered vehicles offered for sale by a state-licensed automobile dealer.
2. Junkyard: A yard, field or other area used as a place of storage for discarded, worn-out or junked plumbing, heating supplies, household appliances, furniture, discarded scrap and junked lumber, old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and scrap iron, steel and other ferrous and non-ferrous material accumulated.

Kennel: An establishment in which more than six (6) dogs or six (6) cats are sold, bred, boarded, or trained for a fee.

Landscaping: The addition or retention of lawns, fields, trees, plants, and other natural and decorative features to the land. The preservation, care and maintenance of existing native vegetation of a size and character.

Cultivated Landscaping shall mean manmade planted areas that require pruning, fertilizing and tending on a more frequent basis.

Level of Service: A description of the operating conditions a driver will experience while traveling on a particular street or highway calculated in accordance with the provisions of the Highway Capacity Manual, 1985 edition, published by the National Academy of Sciences, Transportation Research Board. There are six levels of service ranging from Level of Service A, with free traffic flow and no delays to Level of Service F, with forced flow and congestion resulting in complete failure of the roadway.

Lodging unit: a room or group of rooms in which sleeping accommodations are furnished for compensation and meals or other services may be furnished by the owner or operator to any individual not a family member. Lodging units shall include bed and breakfasts, inns, boarding houses, rooming houses, hotels, or motels.

Lot: An area of land in one ownership, or one leasehold, with ascertainable boundaries established by deed or instrument of record, or a segment of land ownership defined by lot boundary lines on a land subdivision plan duly approved by the Planning Board and recorded in the County Registry of Deeds.

"New" Lot: A lot created after the effective date of this ordinance.

Lot Area: The total horizontal area within the lot lines, minus land below the normal high water line of a water body or upland edge of a wetland and areas beneath roads or driveways serving more than two lots.

Lot, Corner: A lot with at least two contiguous sides abutting upon a street or right of way.

Lot, Coverage: The percentage of a lot covered by all buildings or structures including impervious non-vegetated surfaces.

Lot Line: A line bounding a lot which divides one lot from another or from a street or any other public or private space, as defined below:

Lot Line, Front: In the case of a lot abutting only one street, the street line separating such lot from such street; in the case of a double frontage lot, each street line separating such lot from a street shall be considered to be the front lot line, except where the rear yard requirement is greater than the front yard requirement in which case one of two opposing yards shall be a rear yard. In the case of a lot with no road frontage the front lot line shall be considered to be the line parallel to the front of the building.

Lot Line, Rear: That lot line which is parallel to and most distant from the front lot line of a lot. In the case of an irregular, triangular, or gore-shaped lot, a line twenty feet (20') in length, entirely within the lot, parallel to and at the maximum distance from the front lot line shall be considered to be the rear lot line. In the case of lots which have frontage on more than one road or street, the rear lot line shall be opposite the lot line along which the lot takes access to the street.

Lot Line, Side: Any lot line other than a front or rear lot line.

Lot, Minimum Area: The required lot area within a district for a single use. The lot area shall be determined on the basis of the "Net Residential Acreage Calculation," contained in the Performance Standards section of this Ordinance.

Lot of Record: A parcel of land, a legal description of which or the dimensions of which are recorded on a document or map on file with the County Register of Deeds.

Lot Width: The distance between the side boundaries of the lot measured at the front setback line.

Lumber Yard: A use which includes sales and retails building supplies.

Machine Shop: A manufacturing establishment which manufactures parts from metals.

Manufactured Housing: A structural unit or units designed for occupancy and constructed in a manufacturing facility and transported, by the use of its own chassis or an independent chassis, to a building site. The term includes any type of building which is constructed at a manufacturing facility and transported to a building site where it is used for housing and may be purchased or sold by a dealer in the interim. For purposes of this section, two types of manufactured housing are included. Those two types are:

1. Mobile Homes

Those units constructed after June 15, 1976, commonly called "newer mobile homes," which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures transportable in one or more sections, which in the traveling mode are 14 body feet or more in width and are 750 or more square feet, and which are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities including the plumbing, heating, air conditioning or electrical systems contained in the unit;

- a. This term also includes any structure which meets all the requirements of this subparagraph, except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Section 5401, et seq.; and the Maine State Manufactured Housing Board.

2. Modular Homes

Those units commonly called "modular homes," which the manufacturer certifies are constructed in compliance with MRSA Title 10, chapter 951 et. seq., and rules adopted under that chapter, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air-conditioning or electrical systems contained in the unit.

Manufacturing: The making of goods and articles by hand or machinery. Manufacturing shall include assembling, fabricating, finishing, packaging or processing operations.

Marina: A business establishment having frontage on navigable water and, as its principal use, providing for hire offshore moorings or docking facilities for boats, and which may also provide accessory services such as boat and related sales, boat repair and construction, indoor and outdoor storage of boats and marine equipment, boat and tackle shops and marine fuel service facilities.

Mineral Exploration: Hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition.

Mineral Extraction: Any operation within any twelve (12) month period which removes more than one hundred (100) cubic yards of like material from its natural location and to transport the product removed, away from the extraction site.

Mobile Home Park: A parcel of land under unified ownership approved by the municipality for the placement of 3 or more mobile homes.

Mobile Home Subdivision: A parcel of land approved by the town for the placement of three or more mobile homes on individually owned lots.

Motel/Hotel: A commercial building or group of buildings built to accommodate for a fee travelers and other transient guests who are staying for a limited duration with sleeping rooms without cooking facilities, each rental unit having its own private bathroom and its own separate entrance leading either to the outdoors or to a common corridor or hallway. A hotel may include restaurant facilities where food is prepared and meals served to its guests and other customers.

Multi-Unit or Multi-Family Residential: See Dwelling, Multi-Family.

Municipal facilities: provisions established and maintained by the town to serve the well being of the public including but not limited to schools, town roads, solid waste disposal, fire protection, parks, water supplies, and sewage disposal systems.

Net Acreage: The area of a lot or lots which is useable for determining allowable densities, as set forth in the Net Acreage calculations standard contained in the section 3.D - (Land not suitable for development section) of the *Lamoine Building and Land Use Ordinance*.

Net Maximum Density: The ratio of principal structures allowed in relation to available acreage.

Non-Conforming: A lot, building, structure, use of land, or portion thereof, legally existing at the effective date of adoption or amendment of this Ordinance which thereafter fails to conform to all applicable provisions of this Ordinance.

Nursery: Land or greenhouses used to raise flowers, shrubs, and plants for sale.

Nursery or Garden Center: Land and buildings used to raise plants, shrubs, and trees for sale.

Nursing Home: A privately operated establishment where maintenance and personal or nursing care are provided for persons who are unable to care for themselves.

Open space: land unencumbered with structures.

Open space for common use: open space applicable to the development but not restricted to individual occupants. Such space may be dedicated for public use, whether for general or a specified use.

Parks and Recreation: Non-commercially operated recreation facilities open to the general public including, but not limited to playgrounds, parks, monuments, green strips, open space, mini-parks, athletic fields, boat launching ramps, piers and docks, picnic grounds, swimming pools, and wildlife and nature preserves, along with any necessary accessory facilities, restrooms, bath houses, and the maintenance of such land and facilities. The term shall not include campgrounds, or commercial recreation and amusement centers.

Perennial Water Body: Standing or flowing water lasting or continuing for more than six (6) consecutive months of the year.

Permanent Foundation: Shall mean all of the following:

1. A full, poured concrete or masonry foundation.
2. A poured concrete frost wall or a mortared masonry frost wall, with or without a concrete floor.
3. A reinforced, floating concrete pad for which the municipality may require an engineer's certification if it is to be placed on soil with high frost susceptibility.
4. Concrete, masonry, or stone piling.
5. Any foundation which, pursuant to the building code of the municipality, is permitted for other types of single-family dwellings.

Permitted Use: Uses which are listed as permitted uses in the various districts set forth in this Ordinance. The term shall not include prohibited uses.

Person: An individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having a joint or common interest, or other legal entity.

Phased Development: A development of land that is under unified control and is planned and developed as a whole in a single development operation of programmed series of development stages. The development often includes a mixture of uses and may include streets, buildings, open space, and other site features.

Plat: a plan, map, or chart drawn to scale describing a parcel of land indicating actual or proposed structures and uses.

Planned Unit Development: Land under unified management, planned and developed as a whole according to comprehensive and detailed plans, including streets, utilities, lots or building sites, site plans and design principles for all buildings intended to be located, constructed, used and related to each other, and for other uses and improvements on the land. Development may be a single operation or a programmed series of operations including all lands and buildings, with provision for operation and maintenance of such areas and improvements and facilities necessary for common use by the occupants of the development.

Planning Board: The Planning Board of the Town of Lamoine.

Plumbing, Electrical, or Carpentry Shop: An establishment where plumbing, electrical, or carpentry materials are sold on a wholesale or retail basis.

Preliminary Plan: The preliminary drawings indicating the proposed layout of a development to be submitted to the Planning Board for its consideration.

Principal Structure or Use: The primary use and chief purpose of a lot or structure.

Professional Engineer: A professional engineer, licensed and registered in the State of Maine.

Public Facility: Any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity.

Public Parks and Recreation: Non-commercially operated recreation facilities open to the general public including, but not limited to playgrounds, parks, monuments, green strips, open space, mini-parks, athletic fields, boat launching ramps, piers and docks, picnic grounds, swimming pools, and wildlife and nature preserves, along with any necessary accessory facilities, restrooms, bath houses, and the maintenance of such land and facilities. The term shall not include campgrounds, or commercial recreation and amusement facilities.

Public Utility: Any person, firm, corporation, municipal department, board or commission authorized to furnish gas, steam, electricity, waste disposal, communication facilities, transportation or water to the public.

Quarry: a place where rock is excavated.

Rare and Endangered Species: Endangered, threatened or rare plants, animals, and natural communities identified by the Maine Natural Heritage Program.

Recording Plan: An original of the Final Plan, suitable for recording at the Registry of Deeds and which shows information relevant to the transfer of an interest in the property, and which does not show other information presented on the plan such as sewer and water line locations and sizes, culverts, and building lines.

Recreational Facility: A place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding boat-launching facilities.

Recreational Vehicle: A self-propelled or drawn vehicle or vehicular attachment designed for temporary sleeping or living quarters for one or more persons, which is not a dwelling and which may include a pick-up camper, travel trailer, tent trailer, or motor home.

Replacement System: A subsurface wastewater disposal system intended to replace: 1) an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or 2) any existing overboard wastewater discharge.

Restaurant: An establishment where meals are prepared and served to the public for consumption on the premises entirely within a completely enclosed building; and where no food or beverages are served directly to occupants of motor vehicles or directly to pedestrian traffic from an exterior service opening or counter, or any combination of the foregoing; and where customers are not permitted or encouraged by the design of the physical facilities, by advertising, or by the servicing or packaging procedures, to take out food or beverage for consumption outside the enclosed building.

Retail Business: A business establishment engaged in the on-site sale, rental, or lease of goods to the ultimate consumer for direct use or consumption and not for resale.

Right-of-Way: All public or private roads and streets, state and federal highways, private ways (now called public easements), and public land reservations for the purpose of public access, including utility rights-of-way.

Road: An existing State, county, or town way or a street dedicated for public use and shown upon a plan duly approved by the Planning Board and recorded in the County Registry of Deeds or a road dedicated for public use and shown on a plan duly recorded in the County Registry of Deeds prior to the establishment of the Planning Board and the grant to the Planning Board of its power to approve plans. The term "road" shall not include those ways which have been discontinued or abandoned.

Road frontage: that portion of a parcel or lot contiguous to any road, street, or right of way.

Sand and Gravel Aquifer: A geologic formation composed of rock or sand and gravel that stores and transmits significant quantities of recoverable water.

School: An institution for education or instruction including a college, university, and public or private school conducting classes pursuant to a program approved by the State Board of Education or similar government agency, but not including commercially operated schools of beauty, culture, business, dancing, driving, music, or recreation which shall be deemed retail businesses.

Septic System: See 'Subsurface Waste Water Disposal System'

Service Drop: Any utility line extension which does not cross or run beneath any portion of a water body that conforms to the standards of the National Fire Protection Association "Number 70" and:

1. In the case of electric service
 - a. The placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and
 - b. The total length of the extension is less than one thousand (1,000) feet.
2. In the case of telephone service
 - a. The extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or

- b. The extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

Service Road/Frontage Road: A local street or road located parallel to an arterial for service to abutting properties for the purpose of controlling access to the arterial.

Service Station: An establishment where motor fuels are stored and dispensed into the fuel tanks of motor vehicles. This use may include facilities for the retail sale of other products.

Setback: The minimum required horizontal distance from a lot line or other feature to the nearest part of a building, including porches, steps, and railings.

Shared Driveway: A single driveway serving two or more lots. A shared driveway may cross a lot line or be on the lot line, and the owners may have an easement for the shared use.

Shoreland Zone or Shoreland Area: All land areas under the jurisdiction of the Shoreland Zoning Ordinance.

Sight Distance: The length of an unobstructed view from a particular access point to the farthest visible point of reference on a roadway.

Signs: A name, identification, description, display or illustration which is affixed to, painted or represented, directly or indirectly upon a building, structure, parcel or lot and which relates to an object, product, place, activity, person, institution, organization or business on the premises.

Sketch Plan: Conceptual maps, renderings, and supportive data describing the project proposed by the applicant for initial review prior to submitting an application for planning board or code enforcement officer approval. May be used by the applicant as the basis for preparing the development plans and as part of the application for development approval.

Slope: See 'Sustained Slope'

Start of Construction: For the purposes of this Ordinance, the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction includes: land preparation, such as clearing, grading and filling; the installation of streets and/or walkways; the excavation for basement, footings, piers, or foundations or the erection of temporary forms; and the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Street: Public and private ways such as alleys, avenues, highways, roads, and other rights-of-way, as well as areas on subdivision plans designated as rights-of-way for vehicular access other than driveways. The center of all streets shall be set back at least 30 feet from abutting property lines.

Structure: Anything constructed or erected, the use of which requires a fixed location on or in the ground or in the water, or an attachment to something having a fixed location on the ground, including buildings, billboards, signs, commercial park rides and games, carports, porches, and other building features, including stacks and antennas, but not including sidewalks, fences, driveways, parking lots, and field or garden walls or embankment retaining walls.

Subdivision: The division of a tract or parcel of land into three (3) or more lots within a five (5) year period whether accomplished by sale, lease, development, buildings or otherwise and as further defined in the Lamoine Subdivision Ordinance and the Maine State Statutes, Title 30-A, MRSA, Section 4401, as amended.

Substantial Completion: Completion of eighty percent (80%) of a permitted structure or use measured as a percentage of estimated total cost.

Substantial Start: Completion of thirty percent (30%) of a permitted structure or use measured as a percentage of estimated total cost.

Substantial addition: an increase of 20% of the area and/or of the assessed value.

Subsurface Waste Water Disposal System: A collection of treatment tank(s), disposal area(s), holding tank(s) and pond(s), surface spray system(s), cesspool(s), well(s), surface ditch (es), alternative toilet(s), or other devices and associated piping designed to function as a unit for the purpose of disposing of wastes or wastewater on or beneath the surface of the earth. The term shall not include any wastewater discharge system licensed under 38 MRSA Section 414; any surface wastewater disposal system licensed under 38 MRSA Section 413 Subsection 1-A, or any public sewer. The term shall not include a wastewater disposal system designed to treat wastewater which is in whole or in part hazardous waste as defined in 38 MRSA Chapter 13, subchapter 1.

Sustained Slope: A change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

Swimming Pool: An outdoor man-made receptacle or excavation designed to hold water to a depth of at least twenty-four (24) inches, primarily for swimming or bathing, whether in ground or above the ground.

Tract or Parcel of Land: All contiguous land in the same ownership, whether or not the tract is separated at any point by: an intermittent or non-navigable stream, tidal waters where there is no flow at low tide, or a private road established by the abutting land owners.

Trip Generation: The estimated volume of traffic going to and from a particular location.

Turn Radius: The radius of an arc which approximates the turning path of a vehicle.

Two stories: 2 full floors, the lower of which is at least one foot above grade.

Use: The manner in which land or a structure is arranged, designed or intended, or is occupied.

Variance: A relaxation of the terms of this Ordinance where such relaxation will not be contrary to the public interest where, owing to conditions peculiar to the property, and not the result of the actions of the applicants, a literal enforcement of the Ordinance would result in undue hardship. Variances permissible under this Ordinance are limited to height of buildings, structures, lot size, yard and open spaces sizes, frontage, and setbacks. No variance can be granted for the establishment of any use otherwise prohibited, nor shall a variance be granted because of the presence of non-conformities of adjacent parcels or in adjacent districts.

Vegetation: All live trees, shrubs, ground cover, and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4 1/2 feet above ground level.

Vehicle Trip: The vehicle moving from an origination point to a destination point.

Water Crossing: Any project extending from one bank to the opposite bank of a river or stream, whether under, through, or over the watercourse. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines, and cables as well as maintenance work on these crossings.

Water Table: The upper surface of groundwater, or that level below which the soil is seasonally saturated with water.

Wetlands: any swamp, marsh, bog, beach, flat, or other land above extreme low water which is subject to tidal action; also, areas enclosed by the normal high water mark of inland waters and areas otherwise identified on the basis of soils, vegetation, or other criteria as inland wetlands including but not limited to swamps, marshes, and bogs as defined by the Maine State Statutes.

Wetland Coastal & Freshwater: "Coastal Wetlands" are all tidal and sub-tidal lands including all areas below any identifiable debris line left by tidal action, all areas with vegetation present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat, and any swamp, marsh, bog, beach, flat or other contiguous lowland which is subject to tidal action during the maximum spring tide level as identified in tide tables published by the National Ocean Service and as defined by the Maine State Statutes.

Freshwater wetlands are freshwater swamps, marshes, bogs and similar areas other than forested wetlands which are:

1. Of ten or more contiguous acres; or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream or brook such that in a natural state, the combined surface area is in excess of 10 acres; and
2. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

Freshwater wetlands are areas which are inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils; and are not part of a great pond, coastal wetland, stream or brook. Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the above criteria.

Wholesale Business and Storage: A use engaged in storage, wholesale, and distribution of manufactured products, supplies and equipment.

Signature Page

March 8, 2001

This ordinance was approved by the Lamoine Town Meeting on Tuesday, March 6, 2001 by a referendum vote.

/s/ Glenn Crawford

/s/ S. Josephine Cooper

/s/Thomas Spruce

Selectmen, Town of Lamoine

April 16, 2009

The attached Site Plan Review Ordinance was amended by a majority vote at the annual town meeting held April 8, 2009.

/s/ S. Josephine Cooper

/s/ Richard E. Fennelly, Jr.

/s/ Kermit Theall

/s/ Gary McFarland

/s/ Cynthia Donaldson

The Lamoine Board of Selectmen

The attached Site Plan Review Ordinance was amended by a majority vote at the annual town meeting held March 16, 2011.

/s/ Cynthia Donaldson

/s/ S. Josephine Cooper

/s/ Richard E. Fennelly, Jr.

/s/ Gary McFarland

/s/ William Brann

The Lamoine Board of Selectmen

Attest: A True Copy

/s/ Stuart Marckoon, Deputy Town Clerk

March 21, 2013

The attached Site Plan Review Ordinance was amended by a majority vote at the Annual Town Meeting on March 13, 2013.

/s/	S. Josephine Cooper	}
		}
/s/	Cynthia Donaldson	}
		}
/s/	Gary McFarland	}
		}
/s/	Bernard Johnson	}
		}
/s/	Nathan Mason	}

The Lamoine Board of Selectmen

Attest: A True Copy

/s/ Stuart Marckoon, Deputy Town Clerk